

United States District Court
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-CR-327

HENRY R. BROWN,

Defendant.

COURT MINUTES
HONORABLE CHARLES N. CLEVERT, JR., PRESIDING

Date: January 27, 2009

Proceeding: Final Pretrial Conference

FTR Start Time: 9:12:36 a.m. FTR End Time: 10:12:31 a.m.
10:20:45 a.m. 10:36:11 a.m.

Court Reporter: None Deputy Clerk: Kris Wilson

Appearances: P: AUSAs Brian J. Resler and Erica O'Neill
D: Henry Brown w/Attys Richard Beuke, Michael Hart & Bill Scanlon

Disposition: The court adopts the Magistrate's Recommendation [84] and denies Defendant's Motion [75] to Bar Use of Confidential Informant and denies Defendant's Motion [76] to Quash Search Warrant and Suppress Evidence.

Defendant's Motion in Limine [88] to Permit Defense Counsel to Thoroughly Examine Kevin Arms Regarding Criminal History is Granted in Part.

The jury trial will commence February 2, 2009, at 8:30 a.m.

Notes: The court agrees with the government that Kevin Arms is a cooperating witness -not a confidential informant.

Based upon the argument of the parties, and the government's concession as stated on the record, defense counsel is authorized to

cross-exam Kevin Arms as to his criminal history going back to August 1992, inasmuch as Kevin Arms was re-sentenced on that conviction in 1999. The credibility of Mr. Arms can be explored by the defense with limitation. The government can object to any cross-examination.

The government intends to call Steve Brown. A copy of the government's proffer letter and plea agreement with Mr. Brown will be provided to the defense immediately following today's hearing.

The government had also anticipated calling Troy Lewis as a witness. However, as of yesterday, the government was informed that Mr. Lewis retained Attorney William Gamboni and will be asserting his Fifth Amendment privilege. As a consequence, the government made a request for immunity and awaits a reply. The government anticipates seeking to compel his appearance.

Trial is expected to last 4 days.

The defense will submit any proposed jury instructions by close of business tomorrow. The government will have until 4:00 p.m., Thursday, January 29, 2009, to file any response.

The government renews its request for discovery.

The court discusses trial practices and logistical matters.